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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
ILLINOIS BELL TELEPHONE COMPANY)
) No. 05-0575
Compliance with the requirements)
of 13.505.1 of the Public)
Utilities Act (Payphone Rates))

Chicago, Illinois

December 13, 2007

Met, pursuant to adjournment, at

10 o'clock a.m.

BEFORE :

MS. EVE MORAN,
Administrative Law Judge

APPEARANCES :

MS. LOUISE SUNDERLAND
225 West Randolph Street
Chicago, Illinois
appearing for Illinois Bell
Telephone Company

MR. MATTHEW L. HARVEY
160 North LaSalle Street, Suite C-800
Chicago, Illinois 60601-3104
appearing for staff of the
Illinois Commerce Commission

1 APPEARANCES (continued):

2 MR. MICHAEL WARD
1608 Barkley Boulevard
3 Buffalo Grove, Illinois
appearing for ITPA
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I N D E X

WITNESSES DIRECT CROSS REDIRECT RECROSS EXMNR.

(NONE .)

E X H I B I T S

AT&T-ILLINOIS FOR IDENTIFICATION IN EVIDENCE.

Nos. 1.0	142	142
2.0	142	142
1.1	142	142
1.2	142	142
1.3	142	142

IPTA FOR IDENTIFICATION IN EVIDENCE.

Nos. 1.0	146	146
1.1	146	146

STAFF FOR IDENTIFICATION IN EVIDENCE.

Nos. 1.0	149	149
2.0	149	149
3.0	149	149
4.0	149	149

AT&T-ILLINOIS FOR IDENTIFICATION IN EVIDENCE.

IPTA JOINT
STIPULATION

No. 1.0	151	151
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2 JUDGE MORAN: Pursuant to the direction of the
3 Illinois Commerce Commission, I call Docket 05-0575.
4 This is Illinois Bell Telephone Company compliance
5 with requirements of Section 13-505.1 of the Public
6 Utilities Act regarding pay phone rates.

7 May I have the appearances for the
8 court reporter, please.

9 MS. SUNDERLAND: On behalf of Illinois Bell
10 Telephone Company, Louise A. Sunderland, 225 West
11 Randolph Street, Chicago, Illinois, 60606.

12 MR. HARVEY: Appearing for the Illinois Commerce
13 Commission staff, Matthew L. Harvey, 160 North
14 LaSalle Street, Suite C-800, Chicago, Illinois,
15 60601.

16 JUDGE MORAN: And by telephone?

17 MR. WARD: For the Illinois Public
18 Telecommunications Association, Michael Ward,
19 1608 Barkley Boulevard, Buffalo Grove, Illinois,
20 60089.

21 JUDGE MORAN: Thank you. And this matter is set
22 today for an evidentiary hearing. I understand that

1 the parties have no cross on any of the testimony.

2 MR. HARVEY: That's staff understanding, your

3 Honor.

4 JUDGE MORAN: And but that testimony needs to be

5 put into the record. And who wishes to proceed

6 first?

7 MS. SUNDERLAND: I could start on behalf of

8 Illinois Bell Telephone Company.

9 JUDGE MORAN: Okay.

10 MS. SUNDERLAND: We have moved for the admission

11 of AT&T-Illinois Exhibit 1.0, which is the direct

12 testimony of Eric Panfil, which has three schedules,

13 none of which are proprietary; AT&T-Illinois Exhibit

14 2.0, which is the direct testimony of David Barch,

15 which has two schedules, one of which DJB-2, is

16 proprietary; AT&T-Illinois Exhibit 1.1, rebuttal

17 testimony of Eric Panfil, which has one schedule,

18 which is not proprietary; AT&T Exhibit 1.2, which is

19 the Supplemental Direct Testimony of Eric Panfil,

20 which has four schedules, and Schedule ELP-SD 1 is

21 proprietary, and then finally AT&T-Illinois --

22 JUDGE MORAN: Excuse me. 1.2 Panfil Supplemental

1 how many schedules?

2 MS. SUNDERLAND: Four.

3 JUDGE MORAN: Four schedules, ELP-SD 1 is

4 proprietary?

5 MS. SUNDERLAND: Yes.

6 JUDGE MORAN: Okay.

7 MS. SUNDERLAND: And, finally, AT&T-Illinois

8 Exhibit 1.3, which is the Supplemental Rebuttal

9 Testimony of Eric Panfil, has one schedule, which is

10 not proprietary.

11 JUDGE MORAN: And are there any objections to the

12 admission of any of this testimony as indicated by

13 Ms. Sunderland?

14 MR. HARVEY: No objection from staff, your Honor.

15 MR. WARD: No objection from IPTA.

16 JUDGE MORAN: Okay. With that, all of the

17 testimony and schedules as designated are admitted.

18 (Whereupon, AT&T-Illinois

19 Exhibit Nos. 1.0, 2.0, 1.1,

20 1.2 & 1.3 were previously

21 marked for identification

22 and received in evidence.)

1 And are those filed on e-docket?

2 MS. SUNDERLAND: Yes. They were filed on

3 e-docket yesterday.

4 JUDGE MORAN: Okay.

5 MS. SUNDERLAND: One of them was mislabeled as

6 staff testimony and I will have my assistant talk to

7 the Clerk's Office.

8 JUDGE MORAN: Okay.

9 MR. HARVEY: I wish your assistant the best of

10 luck --

11 MS. SUNDERLAND: I understand.

12 MR. HARVEY: -- in that respect. If you need

13 anything from me, I will be glad to assist.

14 JUDGE MORAN: All of that testimony as filed on

15 December 12, 2007 on e-docket is admitted.

16 Whatever problem you will have with the

17 clerk I hope can be resolved without an amended

18 filing to correct that one error.

19 MS. SUNDERLAND: It was not our error --

20 JUDGE MORAN: Oh.

21 MS. SUNDERLAND: -- I don't believe.

22 JUDGE MORAN: Oh, okay.

1 MR. HARVEY: Since we know the clerk doesn't make
2 errors.

3 MS. SUNDERLAND: Also, just as a matter of form,
4 I would ask for proprietary treatment of the
5 schedules which were so designated.

6 JUDGE MORAN: Oh, absolutely. That will be
7 indicated on the ALJ report to keep confidential
8 schedules DJB-2 and ELP-SD 1.

9 MS. SUNDERLAND: Yes.

10 JUDGE MORAN: Okay. And, Mr. Ward, do you want
11 to do your testimony now?

12 MR. WARD: Yes. On behalf of IPTA, we would move
13 for admission of IPTA Exhibit 1.0, which is the
14 Direct Testimony of Michael Starkey dated November
15 3, 2006, and it has six schedules attached, which
16 are Schedules 2, 4, 5, and 6 are designated as
17 proprietary, and we would also move for IPTA
18 Exhibit 1.1 for admission, which is the Supplemental
19 Direct Testimony of Michael Starkey dated April 24,
20 2007 and it has one schedule attached, Attachment
21 No. 1, which is designated proprietary.

22 JUDGE MORAN: Okay. And anything further?

1 MR. WARD: Those are the only two evidentiary
2 testimonies that we're submitting.

3 JUDGE MORAN: And have they been filed on
4 e-docket?

5 MR. WARD: They're in the process of being filed.
6 I'm told that because of the schedules they're so
7 long that they're piecemeal, so we'll complete that
8 today.

9 JUDGE MORAN: Okay. So these will be filed on
10 e-docket on 12-13-07.

11 Are there any objections to the
12 admission of either of these testimonies or to their
13 designations?

14 (No response.)

15 Hearing none, IPTA Exhibit 1.0 and
16 1.1, the first having six schedules, the second
17 having one schedule, certain of those schedules
18 being designated as proprietary, are admitted into
19 the record.

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(Whereupon, IPTA Exhibit
Nos. 1.0 & 1.1 were
previously marked for
identification and
received in evidence.)

And now we go to staff.

MR. HARVEY: Staff offers the following into
evidence, the first being what has been marked for
identification as Staff Exhibit 1.0 with an attached
schedule. That is the Direct Testimony of Robert F.
Koch. That was e-filed on January 4, 2006; second,
the Rebuttal Testimony of Robert F. Koch, having
been marked for identification as Staff Exhibit 2.0,
that is I believe without schedules, Mr. Koch having
incorporated those into the testimony itself, and
that was e-filed on December 1, 2006; the third the
testimony of the Revised Supplemental Direct
Testimony of Robert F. Koch, which consists of five
pages of text in question-and-answer form without
schedules. This has been marked respectively as
Staff Exhibit 3.0 public, in its published version,

1 and Staff Exhibit 3.0 confidential, in its
2 confidential version. This was filed on -- rather
3 e-filed on December 7, 2007 having been revised to
4 break out confidential material which had
5 inadvertently found its way into the original filed
6 testimony.

7 JUDGE MORAN: Okay. Excuse me, Mr. Harvey.
8 Staff Exhibit 1.0, which was e-docket filed on
9 1-4-2006, that has schedules?

10 MR. HARVEY: One.

11 JUDGE MORAN: One schedule. Not proprietary?

12 MR. HARVEY: No, I don't believe it is.

13 JUDGE MORAN: Okay. So we have Staff Exhibit 1.0
14 with one schedule e-Docket filed 1-4-2006, we have
15 Staff Exhibit 2.0 with no schedules e-Docket filed
16 12-1-2006, and Staff Exhibit 3.0 public version and
17 3.0 confidential version each having no schedules
18 and e-docket filed on 12-7-2007, am I correct?

19 MR. HARVEY: That is correct, your Honor. I
20 would also note for the record that we filed on
21 December, I believe, 3, 2007 the Verified Statement
22 of Robert F. Koch in response to a joint

1 stipulation. I don't know whether you want that
2 marked as an exhibit. It's -- you know, it's been
3 my experience that that's not necessary with
4 verified statements, but if it's your preference,
5 we'll certainly do that.

6 MS. SUNDERLAND: Also Mr. Ward and I would -- I
7 think we -- all three of us would be asking that the
8 stipulation and the verified statement be made part
9 of the record in their current form or we can
10 reformat them as exhibits somehow if you feel that's
11 necessary.

12 MR. WARD: I would suggest that AT&T and IPTA
13 move to enter the stipulation of the record and
14 staff move relating to that into the record without
15 objection.

16 MS. SUNDERLAND: Yes. And none of us have any
17 objection to the form of them at which they're being
18 admitted into the record.

19 JUDGE MORAN: And, again, because they're being
20 admitted into the record, I would like to have them
21 to have some kind of designation, that's I guess --
22 unless we just call them the stipulation of November

1 30, 2007, and the Verified Statement of Mr. Koch --

2 MR. HARVEY: That was December 3rd, your Honor.

3 JUDGE MORAN: -- of December 3rd.

4 There's a motion to enter those two
5 documents into the record and I understand there
6 being no objection --

7 MS. SUNDERLAND: Correct.

8 JUDGE MORAN: -- to any of that coming in, and so
9 those two documents are entered into the record.

10 (Whereupon, Staff Exhibit
11 Nos. 1.0, 2.0 & 3.0 were
12 previously marked for
13 identification and
14 received into evidence.)

15 MR. WARD: Might I suggest to keep for
16 consistency with the other exhibits we identify the
17 exhibits as AT&T and IPTA the joint stipulation as
18 1.0. If staff wants to identify their testimony as
19 their next exhibit, that might keep things
20 coordinated.

21 MR. HARVEY: Your Honor, we'll request that the
22 Verified Statement of Robert Koch be designated as

1 Exhibit 4.0.

2 JUDGE MORAN: Oh, hold on. Staff Exhibit 4.0 is
3 the Verified Statement of Witness Koch from 12 --
4 I'm sorry --

5 MR. HARVEY: 12-3.

6 JUDGE MORAN: -- 12-3-2007. And the stipulation
7 how am I marking that, please?

8 MR. WARD: I think that would be AT&T and IPTA
9 Joint Stipulation Exhibit 1.0.

10 JUDGE MORAN: AT&T.

11 MS. SUNDERLAND: Can you put Illinois in there.

12 JUDGE MORAN: AT&T and IPTA joint --

13 MR. WARD: Stipulation.

14 JUDGE MORAN: -- joint Stipulation Exhibit.

15 MS. SUNDERLAND: 1.0.

16 JUDGE MORAN: 1.0. Okay.

17 MS. SUNDERLAND: That's acceptable to us.

18 MR. HARVEY: And just for housekeeping, your
19 Honor, I may have neglected to move Staff Exhibits
20 1.0, 2.0, and 3.0 --

21 JUDGE MORAN: Both public and confidential?

22 MR. HARVEY: -- both public and confidential into

1 evidence and get a ruling on it, and if I haven't,
2 I'll do that now.

3 JUDGE MORAN: You tried and then you were
4 interrupted.

5 MR. HARVEY: Okay.

6 JUDGE MORAN: So, yes, and there's no objection I
7 understand to any of the staff exhibits as set out;
8 therefore, these are all admitted.

9 (Whereupon,
10 AT&T-Illinois/IPTA
11 Joint Stipulation Exhibit
12 1.0 was marked and
13 received in evidence.)

14 And you do not need to re-file those.
15 You want those exhibits entered into the record as
16 were filed on the dates --

17 MR. HARVEY: That's correct.

18 JUDGE MORAN: -- that you have specified?

19 Okay. Then those will be made part of
20 the record in this case. Is there anything further?

21 MR. HARVEY: Not by way of evidence I don't
22 think, your Honor.

1 MS. SUNDERLAND: No. You had asked us to prepare
2 a joint proposed order which we're working on.

3 JUDGE MORAN: Wonderful. Okay.

4 MR. HARVEY: I will get my thoughts to
5 Ms. Sunderland and Mr. Ward and -- Mr. Ward by the
6 end of the day.

7 JUDGE MORAN: That's not a problem. I don't
8 think we're in a mad rush --

9 MS. SUNDERLAND: No.

10 JUDGE MORAN: -- to do this.

11 MS. SUNDERLAND: I guess you will -- can we go
12 off the record for a second.

13 JUDGE MORAN: Sure. Off the record.

14 (Off the record.)

15 We can go back on the record now. The
16 parties expect to be able to pull together an agreed
17 order on this case based largely on the stipulation
18 and the verified statements that have been entered
19 into the record. If such an agreed proposed or
20 draft order is presented to the ALJ and found to be
21 fair and reasonable, that will be presented to the
22 Commission together with a memorandum on the case

1 and no proposed order will be sent out.

2 Nothing further?

3 MR. HARVEY: I think you can mark it heard and
4 taken.

5 JUDGE MORAN: That's just where I'm going. The
6 record is now marked heard and taken, and I thank
7 you all and wish you all a happy holiday.

8 MR. HARVEY: Thank you very much, your Honor.

9 MR. WARD: Thank you.

10 HEARD AND TAKEN.

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